

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DUNNIVEN ORLANDO PHELPS,

Plaintiff,

v.

Case No. 21-CV-365-GKF-JFJ

TURN KEY HEALTH CLINICS, LLC,
RICHARD DUTRA,
PATTY BUCHANAN, LPN,
AMANDA GANN, RN, and
VIC REGALADO, in his official capacity,

Defendants.

ORDER


Before the court is Defendant Amanda Gann, RN's Motion to Dismiss [Doc. 21].

Having reviewed the Complaint, the Motion to Dismiss, the Response in Opposition to the Motion to Dismiss, and the Reply in Support of the Motion to Dismiss, the court concludes that Phelps has stated a plausible claim for relief against defendant Amanda Gann, RN.

Phelps alleges that, at the time he was seen by Nurse Gann, he suffered from left side paralysis and an inability to walk. Such allegations are sufficient to meet the pleading standard of a medical condition arguably "so obvious that even a layman would recognize the condition." *Self v. Crum*, 439 F.3d 1227, 1232 (10th Cir. 2006). The issue of whether the evaluation Nurse Gann performed shows that she was not deliberately indifference is properly addressed on summary judgment. Phelps further alleges that Nurse Gann's charting does not accurately reflect his condition or the symptoms he reported at the time she saw him. Finally, the allegations in the Complaint do not support an inference in favor of the *defendant* that Nurse Gann provided notice of Phelps's condition to any other medical professional, including Elizabeth Martin, APRN.

WHEREFORE, Defendant Amanda Gann, RN's Motion to Dismiss [Doc. 21] is denied.

IT IS SO ORDERED this 15th day of June, 2022.


GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE